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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,726	07/09/2003	John B. Freese	0212.67070	1792

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EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/615,726		FREESE ET AL.	
	Examiner		Art Unit	
	Shelley Self		3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) 23-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22, 38 and 40-43 is/are allowed.
- 6) ☒ Claim(s) 32, 33, 39 and 44-48 is/are rejected.
- 7) ☒ Claim(s) 34-37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on August 8, 2005 has been considered but is ineffective to place the application in condition for allowance and an action on the merits follows.

Drawings

The amended drawings received on August 8, 2005 have been approved. Accordingly new formal drawings sheets in compliance with 37 CFR 1.121(d) including the changes to the drawings submitted in the amendment filed August 8, 2005 are required.

Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 39, 45 and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 39, line 2, claim 45, line 2 and claim 47, line 2, it is not clear what is meant by "*provides controls the depth of cut...*" Clarification is required. Based on its dependency to claim 38, claim 39 would be allowable if re-written to overcome the 35 U.S.C. 112 rejection.

Additionally, regarding claim 45, there is no antecedent basis for the term, "*said motor carrier assembly*". Further, the specification defines the motor carrier assembly as it relates to a plunge base assembly, not a fixed base assembly, thus it is unclear how the motor carrier assembly is related to the fixed base assembly. Clarification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomayko (6,779,954) in view of Long et al. (6,419,429). Tomayko discloses a router comprising a motor assembly having a housing (10) containing a motor for driving an output

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shaft (18) to which a bit holding mechanism (4) can be attached (fig. 1), operating handles (2) attached to a base (20); and operating controls (12) for operating said motor; and a fixed base assembly (20) into which said motor assembly can be removably installed (col. 2, lines 25-31), said fixed base assembly having a planar bottom surface (fig. 1) a depth adjustment mechanism (30) and a (first) motor assembly locking mechanism (40) for locking said motor assembly in said fixed base assembly. Tomayko does not disclose the handles to be attached to the motor housing. It would have been obvious at the time of the invention to one having ordinary skill in the art to rearrange Tomayko such that the handles were attached to the motor housing, because rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Moreover, Long teaches in a similar art a router having a planar bottom base (14) wherein a motor housing (18) is vertically movable relative to the base so as to position a depth of a cutting element (26) of the router (10). Long additionally teaches handles attached to the motor housing for improved ergonomic advantages. Long explicitly teaches that the handles (16r, 16l) can be used with either a fixed or plunge base assembly router (col. 2, lines 26-27). Because the references are from a similar art and deal with a similar problem (i.e., manual operation of a vertically displaceable motor housing in a router) it would have been obvious at the time of the invention to one having ordinary skill in the art to rearrange Tomayko's handles such that they were attached to the motor housing as taught by Long for efficient ergonomic advantages to the operator when grasping the handles.

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Claim 33 and claim 45 as best as can be understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomayko (6,779,954) in view of Long et al. (6,419,429) as applied to claim 32 above, and further in view of McDonald et al. (6,725,892). Tomayko does not disclose a depth adjustment controller comprising a knob located on the top of one side of the motor assembly housing. McDonald teaches in a similar art a router (fig. 1) having a fixed base (24) wherein a motor housing (28) is moveably supported relative to the base (col. 2, lines 58-62). McDonald also teaches a depth adjustment controller (col. 5, lines 42-46) having a knob (236) located on a top side of the motor housing (fig. 3) for adjusting the depth of cut of a bit/tool (142). Because the references are from a similar art and deal with a similar problem (i.e., depth adjustment in a fixed base router) it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Tomayko's depth adjustment mechanism/ring (30) depth adjusting device with a depth adjustment device including a knob so as to accurately increase or decrease the depth of cut of the tool/bit as taught by McDonald.

Claims 46, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pientka et al. (6,726,414) in view of Long et al. (6,419,429). Pientka discloses a router motor assembly capable of being installed in a plunge base or a fixed base to operate as a plunge base router or a fixed base router (col. 2, lines 60-63), said motor assembly comprising a housing (16) with a motor for driving an output shaft (fig. 6) to which a bit holding mechanism (18) can be attached for holding a tool bit (19), operating controls (38) and operating handles (34, 36) attached to the base (12, 26), wherein the operating control (38) is located in one of said handles (34). Pientka does not disclose the handles attached to the motor housing. It would have been

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obvious at the time of the invention to one having ordinary skill in the art to rearrange Tomayko such that the handles were attached to the motor housing, because rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

As noted above, Long teaches in a similar art a router having a planar bottom base (14) wherein a motor housing (18) is vertically movable relative to the base so as to position a depth a cutting element (26) of the router (10). Long additionally teaches handles attached to the motor housing for improved ergonomic advantages. Long teaches the handles (16r, 16l) having a generally horizontal shoulder portion (34r, 34l) which extends from an opposite side of said housing and which merge with a generally vertical grip portion (figs. 1, 3) that extends downwardly from the shoulder portion (figs. 1, 2), the bottom end of said grip portions extending to an elevation that can approach the elevation of said bottom of the base. Long explicitly teaches that the handles (16r, 16l) can be used with either a fixed or plunge base assembly router (col. 2, lines 26-27). Because the references are from a similar art and deal with a similar problem (i.e., manual operation of a vertically displaceable motor housing in a router) it would have been obvious at the time of the invention to one having ordinary skill in the art to rearrange Pientka's handles such that they were attached to the motor housing as taught by Long for efficient ergonomic advantages to the operator when grasping the handles.

As to the approach of the vertical grip portions Examiner notes that as the housing is lowered the downwardly vertical grip portions would approach the base, i.e., become near to.

Claim 47 as best as can be understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Pientka et al. (6,726,414) in view of Long et al. (6,419,429) as applied to

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claim 46 above, and further in view of McDonald (6,725,892). Pientka does not disclose a depth controller comprising a knob. Pientka does however disclose a depth adjustment mechanism (14). As noted above, McDonald teaches in a similar art a router (fig. 1) having a fixed base (24) wherein a motor housing (28) is moveably supported relative to the base (col. 2, lines 58-62). McDonald also teaches a depth adjustment controller (col. 5, lines 42-46) having a knob (236) located on a top side of the motor housing (fig. 3) for adjusting the depth of cut of a bit/tool (142). Because the references are from a similar art and deal with a similar problem (i.e., depth adjustment in a fixed base router) it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Pientka's depth adjustment mechanism/ring (14) depth adjusting mechanism with a depth adjustment mechanism including a knob so as to accurately increase or decrease the depth of cut of the tool/bit as taught by McDonald.

Allowable Subject Matter

Claims 1-22, 38 and 40-43 are allowed.

Claims 34-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or fairly suggest a router comprising a *motor assembly and plunge base assembly having a motor carrier assembly a motor assembly locking mechanism for removably locking said motor assembly in said motor carrier assembly* in combination with the rest of the claimed limitations as set forth in claims 1 and 38.

The prior art of record does not disclose or fairly suggest *at least one segment of relatively thin wall around the circumference thereof... an elongated live hinge in said one relatively thin wall segment* in combination with the rest of the claimed limitations as set forth in claim 34

The prior art reference Tomayko (6,779,954), discloses a fixed base router (fig. 1) having a motor unit (10), a *fixed base* assembly (20) and a depth adjustment mechanism/ring (30) for adjusting the depth of cut of the cutting tool (4). Tomayko discloses the motor assembly unit (10) having a housing and operating controls (12), the motor assembly unit (10) to be removably installed into the *fixed base* assembly (20) as well as vertically movable/slidable (col. 5, lines 28-29) for positioning the router cutting tool (4) relative to the base. Tomayko further discloses operating handles attached to the base of the router unit. Tomayko does not disclose the handles attached to the motor housing, *a plunge base assembly, motor assembly locking mechanism for removably locking or a relatively thin wall segment*. Accordingly, Tomayko fails to anticipate or render obvious the claimed invention as set forth in claims 1, 34 and 38.

Prior art reference Pientka et al. (6,726,414) discloses a fixed based router (fig. 1) having a base (12), a motor housing (16) having an output shaft for driving a router bit (19) and a depth adjustment mechanism (14). Pientka also discloses that the base (12) has a *fixed base* attachment (26) but may be provided with a plunge base attachment (col. 2, lines 58-63). Pientka discloses handles (34, 36) attached to the fixed base (fig. 1) and operating controls (38, 39) associated with the handle (34) for controlling the router (10). Pientka does not disclose a *plunge base assembly, motor assembly locking mechanism for removably locking said motor or at least one segment of relatively thin wall around the circumference thereof*. Accordingly,

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Pientka fails to anticipate or render obvious the claimed invention as set forth in claims 1, 34 and 38.

Prior art reference Long et al. (6,419,429) discloses a plunge base router (fig. 1) the router comprising a motor assembly (12) including a motor housing (18), motor axis (20) and electric motor, a plunge base (14) having an annular body (28), columns (32r, 32l) extending upward from the plunge base (14) and mating with bushings (31r, 31l) of the motor assembly (12) so as to support the motor assembly (12). Long disclose the motor to have an output shaft (22) including a tool holder (24) for accepting a bit (26) and operating handles (16r, 16l). Long discloses the motor assembly to be vertically movable relative the base for positioning a desired depth of cut of the tool/bit (26). Further Long discloses a locking means (36) for locking the motor assembly at a desired depth or height. Long does not disclose a *motor assembly locking mechanism for removably locking said motor assembly or at least one segment of relatively thin wall around the circumference thereof*. Accordingly, Long fails to anticipate or render obvious the claimed invention as set forth in claims 1 and 38.

Although, Tomayko discloses a motor housing removable from a fixed base, there is no motivation to combine Tomayko's removability with Long because, the structural differences in Long's plunge base configuration (columns, bushings) are such that combination of the references would destroy Long.

Accordingly, neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1, 34 and 38. Therefore claims 1-22 and 38-43 are deemed allowable over the prior art of record. Claims 34-37 contain allowable subject matter over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments, filed August 8, 2005, have been carefully considered and are persuasive. Therefore the 35 U.S.C. 112, and 35 U.S.C. 102 rejections in view of Coffey have been withdrawn.

Conclusion

Due to the new grounds of rejection above, this Office Action is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

October 27, 2005